

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**SB 2902 - HB 3537**

March 19, 2010

**SUMMARY OF BILL:** Requires that, for each piece of evidence submitted to the Tennessee Bureau of Investigation (TBI) for analysis, a \$20 fee be added to court costs following a conviction. Requires that fees be paid to TBI regardless of the nature of the case. Requires fees to be transmitted by the Court Clerk to the State Treasurer for deposit into a special TBI fund. Authorizes Court Clerks to deduct a five percent fee for compensation. Prohibits funds from reverting to the General Fund. Authorizes TBI to waive fees if local agencies demonstrate an inability to pay or collect through court costs.

**ESTIMATED FISCAL IMPACT:**

On March 5, 2010 we issued a fiscal note for this bill indicating an *Increase State Revenue – Exceeds \$1,151,100/Special TBI Fund; Increase State Expenditures – Exceeds \$1,151,100/Special TBI Fund; Increase Local Revenue – Exceeds \$60,600; and, Increase Local Expenditures – Exceeds \$1,275,500\**. Based on corrected information provided by the Tennessee Bureau of Investigation (TBI), the estimated fiscal impact of this bill is as follows:

**(CORRECTED)**

**Increase State Revenue – Exceeds \$2,028,700/Special TBI Fund**

**Increase State Expenditures – Exceeds \$2,028,700/Special TBI Fund**

**Increase Local Revenue – Exceeds \$106,800**

**Increase Local Expenditures – Exceeds \$2,247,800\***

**Assumptions:**

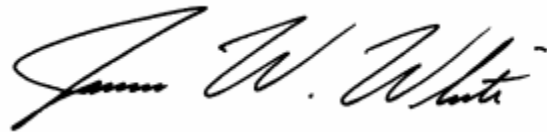
- According to TBI, this bill would subject 74,333 pieces of evidence to a \$20 fee and 8,355 exhibits requiring DNA testing to a \$100 fee.
- The fiscal impact of this bill is dependent on several unknown factors including the reduction in evidence submitted to TBI by local governments and the number of local governments who will be unable to pay for testing fees.
- According to TBI, there will be a five percent reduction in the number of pieces of evidence submitted for analysis resulting in 70,616 pieces of evidence subject to a \$20 fee (74,333 x 5%). There will be no reduction in the number of DNA exhibits submitted.
- According to TBI, fees assessed on the analysis of evidence and DNA will be collected at a rate of 95%.

- Court Clerks will deduct a five percent fee for compensation.
- The increase in state revenue (to TBI) is estimated to be \$2,028,658 per year  $\{[(70,616 \times \$20) + (8,355 \times \$100)] \times 95\% \times 95\% = \$2,028,658\}$ . The increase to local government revenue is estimated to be \$106,771 per year  $\{[(\$70,616 \times \$20) + (8,355 \times \$100)] \times 95\% \times 5\% = \$106,771\}$ .
- There will be an increase to state expenditures for the purchase of equipment and supplies, education, training and scientific development of employees and for special agents and special forensic agents for evidence analysis. Any increase to expenditures to the TBI Special Fund will not exceed the amount collected from local governments. Estimate assumes there will be an increase of \$2,028,658 to the TBI Special Fund.
- There will be an increase to local government expenditures that exceeds \$2,247,820 per year (\$1,412,320 regular evidence + \$835,500 DNA).

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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